

Forest Land-Thane

Diversion of 0.99 ha. Forest land for grant of mining lease for minor minerals in favour of M/s. Mahaveer Construction Company in Village- Borivali, Tal. & Dist. Thane.

**Government of Maharashtra
Revenue and Forest Department
Government Order No. FLD-1207/C.R.270/F-10**

Mantralaya, Mumbai 400 032.

Date: 29.03.2023

Reference:

- 1) Chief Conservator of Forests & Nodal Officer, Letter No. Desk-17/NC/II/ID 11493/507/07-08, dt.19.06.2007
- 2) Revenue & Forest Department, Government of Maharashtra Letter No. FLD-1207/C.R.270/F-10, dt.16.07.2007
- 3) Regional Office, Ministry of Environment, Forests & Climate Change, Government of India, Bhopal Letter No. 6-MHC059/2007-BHO/4402, dt.03.12.2007
- 4) Additional Principal Chief Conservator of Forests & Nodal Officer, Letter No. Desk-17/Nodal/Thane/ID-11493(36)/2720/2020-21, dt.16.03.2022
- 5) Integrated Regional Office, Ministry of Environment, Forests & Climate Change, Government of India, Nagpur Letter No. 6-MHC059/2007-BHO/9500, dt.30.03.2022
- 6) Additional Principal Chief Conservator of Forests & Nodal Officer, Letter No. Desk-17/Nodal/Thane/ID-11493(36)/291/2022-23, dt.05.05.2022
- 7) Integrated Regional Office, Ministry of Environment, Forests & Climate Change, Government of India, Nagpur Letter No. 6-MHC059/2007-BHO/9969, dt.30.06.2022
- 8) Additional Principal Chief Conservator of Forests & Nodal Officer, Letter No. Desk-17/Nodal/Thane/I.D.11493 (36)/1043/2022-2023, dt.28.07.2022,
Desk-17/Nodal/Thane/I.D.11493 (36)/1327/2022-2023, dt.25.08.2022,
Desk-17/Nodal/Thane/I.D.11493 (36)/1433/2022-2023, dt.08.09.2022.

Order:-

Whereas, the Chief Conservator of Forests & Nodal Officer, Maharashtra State, Nagpur, vide letter under reference No.1 has submitted a proposal for diversion of 0.99 ha. Forest land for grant of mining lease for minor minerals in favour of M/s. Mahaveer Construction Company in Village- Borivali, Tal. & Dist. Thane to the Government of Maharashtra;

AND whereas, the Government of Maharashtra has submitted above proposal to MoEF, Govt. of India vide letter under reference No.2,

AND whereas, the Regional Office, MoEF&CC, Govt. of India, Bhopal after due consideration, vide letter under reference No.3, accorded 'In-Principle' approval to divert the 0.99 ha. forest land in favour of M/s. Mahaveer Construction Company for the above project under section 2 of Forest (Conservation) Act, 1980. The said approval is subject to fulfillment of certain conditions by the User Agency;

AND whereas, the Additional Principal Chief Conservator of Forests & Nodal Officer, Maharashtra State, Nagpur vide letter under reference No.4 has sought clarification from Integrated Regional Office, MoEF&CC, Govt. of India, Nagpur regarding compliance of conditions in 'In-Principle' approval letter;

AND whereas, the Integrated Regional Office, MoEF&CC, Govt. of India, Nagpur vide letter under reference No.5 has directed to submit complete compliance report of Stage-I approval;

AND whereas, the Additional Principal Chief Conservator of Forests & Nodal Officer, Maharashtra State, Nagpur vide letter under reference No.6 has submitted compliance of conditions in 'In-Principle' approval letter to Integrated Regional Office, MoEF&CC, Government of India, Nagpur;

AND whereas, the Integrated Regional Office, MoEF&CC, Govt. of India, Nagpur vide letter under reference No.7, accorded 'Final approval' to divert 0.99 ha. forest land for above project under section 2 of Forest (Conservation) Act, 1980;

AND whereas, the Principal Chief Conservator of Forests (HoFF), Maharashtra State and Additional Principal Chief Conservator of Forests & Nodal Officer, Maharashtra State vide letters under reference No.8 have requested State Government to issue diversion order in the matter;

NOW, therefore, Government of Maharashtra hereby directs that the Forest Area of 0.99 ha. consisting of Reserved Forest land more specifically described in the proposal and as per details given in the Schedule given below, be diverted to the User Agency i.e. M/s. Mahaveer Construction Company subject to compliance of following conditions:-

1. The User Agency shall obtain Environmental Clearance, if required as per prevalent Acts and Rules.
2. The Forest land shall be handed over to the User Agency after the Competent Authorities have granted a Mining Lease and Environmental Clearance as per relevant Acts and Rules in this regard.
3. The period of diversion of the said forest land shall be co-terminus with the period of the mining lease.
4. The forest land must be handed over to the Forest Department by the User Agency on the date of expiry of the mining lease or 20 years from the date of grant of the mining lease, whichever is earlier.
5. Even if the tenure of the mining lease granted under the MMDR or any relevant Act is more than 20 years, the Forest Department shall not be obliged to renew the Forest Clearance after 20 years. The Forest Department will take a decision based on merit at that time.

6. The User Agency shall comply with all the conditions stipulated in the letters dt.16.07.2007 and dt.30.06.2022 of MoEF&CC referred above. The Chief Conservator of Forests (T), Thane shall ensure the strict compliance of the conditions by the User Agency and shall furnish the report in this regard to Additional Principal Chief Conservator of Forests and Nodal Officer, Maharashtra State, Nagpur from time to time.
7. Non-compliance of any of the conditions mentioned in this order, MoEF&CC letters dt.16.07.2007, dt.30.06.2022 and Rules & Guidelines made / issued under Forest (Conservation) Act, 1980, shall amount to violation of Forest (Conservation) Act, 1980 and action would be taken accordingly.
8. In case of non-compliance of any of the above conditions, the Chief Conservator of Forests (T), Thane shall report through the State Government to the Ministry of Environment, Forests & Climate Change, Government of India as per procedure laid down in guidelines under the Forest (Conservation) Act, 1980.
9. User Agency will be bound by compliance of any further condition / decision of Ministry of Environment, Forests & Climate Change, Government of India that it may lay down in this matter in future.

SCHEDULE

Location / Village	Taluka	District	Compt. No./ Survey No.	Status of Forest Land	Area (in ha.)
Borivali	Thane	Thane	1155 (Survey No.94)	Reserved Forests	0.99

This Government Order of is available on Government of Maharashtra's website www.maharashtra.gov.in with Reference no. 202303291759339719. This order has been signed digitally.

By order and in the name of the Governor of Maharashtra.

(Ganesh Jadhao)

**Under Secretary to the
Government of Maharashtra**

Copy:

1. Secretary, Ministry of Environment, Forests & Climate Change, Government of India, New Delhi.
2. Regional Officer (Central), Integrated Regional Office, Ministry of Environment, Forests & Climate Change, Government of India, Nagpur.
3. Principal Chief Conservator of Forests (HoFF), Maharashtra State, Nagpur.
4. Principal Chief Conservator of Forests (Wildlife), Nagpur.
5. Principal Chief Conservator of Forests & CEO, Maha-CAMPA, Nagpur.

6. Addl. Principal Chief Conservator of Forests & Nodal Officer, Nagpur.
7. Additional Principal Chief Conservator of Forests (Conservation), Nagpur.
8. Divisional Commissioner, Konkan
9. Commissioner, Navi Mumbai Municipal Corporation, Belapur.
10. Collector, Thane
11. Chief Executive Officer, Zilha Parishad, Thane
12. Chief Conservator of Forests (T), Thane
13. Deputy Conservator of Forests (T), Thane
14. M/s. Mahaveer Construction Company, Navi Mumbai.
15. Select File.

I. Collector- Thane and Chief Executive Officer, Zilha Parishad, Thane are hereby directed to forward the copy of this order to concerned Heads of Local Bodies, Panchayats, Municipal Bodies in addition to the relevant offices of the Government and they shall also ensure the display of this order on their notice board as well as on the notice board of local self-government bodies for the information of general public.

II. M/s. Mahaveer Construction Company is hereby directed to publish the entire order of forest clearances granted in verbatim along with the details of Survey No., Gut No., area and legal status of each Survey, Gut No. etc. and along with the conditions and safe guards imposed by the Central Government while granting forest clearances in two widely circulated daily newspapers, one in vernacular language and other in English language. Copy of the Newspapers be submitted to Chief Conservator of Forests (T), Thane and Deputy Conservator of Forests (T), Thane.

III. Heads of Local Bodies, Panchayats and Municipal Bodies in addition to the relevant offices of the Government are hereby directed to display the same on their notice board for 30 days from the date of receipt for the information of general public.